

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

TRANSCRIPT OF PROCEEDINGS  
BEFORE THE HONORABLE RONALD M. WHYTE  
UNITED STATES DISTRICT JUDGE

## A P P E A R A N C E S:

FOR THE PLAINTIFF: UNITED STATES ATTORNEY'S OFFICE  
BY: RICHARD C. CHENG  
450 GOLDEN GATE AVENUE, BOX 36055  
SAN FRANCISCO, CALIFORNIA 94102

FOR DEFENDANT LE: LAW OFFICES OF MORALES & LEANOS  
BY: ALFREDO M. MORALES  
75 EAST SANTA CLARA STREET, SUITE 250  
SAN JOSE, CALIFORNIA 95113

APPEARANCES CONTINUED ON NEXT PAGE

OFFICIAL COURT REPORTER: LEE-ANNE SHORTRIDGE, CSR, CRR  
CERTIFICATE NUMBER 9595

PROCEEDINGS RECORDED BY MECHANICAL STENOGRAPHY  
TRANSCRIPT PRODUCED WITH COMPUTER

1           APPEARANCES (CONTINUED)

2           FOR DEFENDANT TRAN:           LAW OFFICES OF BENJAMIN W. WILLIAMS  
3   BY: BENJAMIN W. WILLIAMS  
4   111 NORTH MARKET STREET, SUITE 300  
5   SAN JOSE, CALIFORNIA 95113

6           FOR DEFENDANT TO:           FRANK BELL, A LAW CORPORATION  
7   BY: FRANK BELL  
8   333 BRADFORD STREET, SUITE 270  
9   REDWOOD CITY, CALIFORNIA 94063

10          FOR DEFENDANT                   FEDERAL PUBLIC DEFENDER'S OFFICE  
11          QUE NGUYEN:                   BY: CYNTHIA C. LIE  
12   55 SOUTH MARKET STREET, SUITE 820  
13   SAN JOSE, CALIFORNIA 95113

14          FOR DEFENDANT                   LAW OFFICES OF MICHAEL HINCKLEY  
15          TU NGUYEN:                   BY: MICHAEL HINCKLEY  
16   803 HEARST AVENUE  
17   BERKELEY, CALIFORNIA 94710

18          FOR DEFENDANT TU:           LAW OFFICES OF VAN T. LY  
19   BY: VAN T. LY  
20   1198 SOUTH VAN NESS AVENUE  
21   SAN FRANCISCO, CALIFORNIA 94140

22          FOR DEFENDANT DIEP           ARNOLD LAW FIRM  
23          AND SPECIALLY                   BY: MARK A. ARNOLD  
24          APPEARING FOR                   45 EAST JULIAN STREET  
25          DEFENDANT DINH:                   SAN JOSE, CALIFORNIA 95112

1 SAN JOSE, CALIFORNIA

JUNE 23, 2014

2 P R O C E E D I N G S

3 (COURT CONVENED AT 9:07 A.M.)

4 THE CLERK: CALLING CASE CR-13-76, U.S.A. VERSUS  
5 LENNIE LE, QUOC TRAN, TU NGUYEN, DUNG DINH, QUE NGUYEN,  
6 JOHNNY TO, MINDY TU, AND NGAN DIEP, ALL ON FOR STATUS.

7 MR. CHENG: GOOD MORNING, YOUR HONOR.

8 RICHARD CHENG ON BEHALF OF THE UNITED STATES.

9 MS. LIE: GOOD MORNING YOUR HONOR.

10 CYNTHIA LIE FOR QUE NGUYEN. SHE'S PRESENT OUT OF CUSTODY  
11 IN THE BACK.

12 MR. MORALES: GOOD MORNING.

13 ALFREDO MORALES ON BEHALF OF LENNIE LUAN, WHO IS PRESENT  
14 IN CUSTODY.

15 MR. HINCKLEY: YOUR HONOR, MIKE HINCKLEY FOR  
16 TU NGUYEN, WHO IS PRESENT OUT OF CUSTODY.

17 MS. LY: VAN LY FOR MINDY TU.

18 MR. WILLIAMS: BEN WILLIAMS FOR QUOC TRAN. HE  
19 APPEARS BEFORE THE COURT IN CUSTODY.

20 MR. BELL: FRANK BELL ON BEHALF OF MR. TO. HE IS  
21 PRESENT OUT OF CUSTODY.

22 MR. ARNOLD: YOUR HONOR, GOOD MORNING. THANK YOU.

23 I'M MARK ARNOLD ON BEHALF OF DUNG DINH, AND I'LL APPEAR  
24 SPECIALLY FOR PHIL SCHNAYERSON ON HIS BEHALF.

25 AND I'M ALSO APPEARING FOR MY CLIENT, NGAN DIEP. I ASK

1 HER PRESENCE BE EXCUSED. SHE'S STILL RECOVERING FROM HER  
2 SEVERE INJURIES DUE TO A FIRE.

3 THE COURT: ALL RIGHT. IS THAT EVERYBODY AS FAR AS  
4 YOU CAN TELL, MR. CHENG?

5 MR. CHENG: YES.

6 THE COURT: OKAY. WHAT'S THE STATUS?

7 MR. CHENG: DISCOVERY HAS BEEN PREVIOUSLY PROVIDED.  
8 MY UNDERSTANDING, IN CONSULTATION WITH A.U.S.A. JOHN GLANG, AS  
9 WELL AS MS. LIE, IS THAT THERE ARE A NUMBER OF DISKS THAT WERE  
10 EITHER UNREADABLE OR UNINTELLIGIBLE.

11 WE HAVE COMPLETED OUR REVIEW OF COPIES THAT WE HAVE, OF  
12 WHICH COPIES WERE MADE PREVIOUSLY AND GIVEN TO MS. LIE FOR  
13 DISTRIBUTION, AND I WOULD ASSUME FOR REVIEW BY THE DEFENSE  
14 COUNSEL.

15 THAT IS ABOUT TO BE COMPLETED WITH A NEW SET, A SMALLER  
16 SUBSET OF WHAT HAS BEEN GIVEN OUT BEFORE. WE HAVE VERIFIED  
17 THAT THOSE ARE READABLE AND INTELLIGIBLE AND THOSE WILL BE  
18 GIVEN OUT PROBABLY BY THE END OF THIS WEEK.

19 THE COURT: OKAY. SO WHAT'S YOUR SUGGESTION?

20 MR. CHENG: WELL, MY SUGGESTION IS, AND I'LL DEFER TO  
21 DEFENSE COUNSEL ON SOME OF THIS, BUT MY SUGGESTION IS THEY'LL  
22 PROBABLY REQUIRE MORE TIME TO GET THAT NEW INFORMATION  
23 DISSEMINATED AND REVIEWED IN APPROXIMATELY TWO TO THREE MONTHS,  
24 I SUPPOSE, AND COME BACK. THERE ARE INDIVIDUALS THAT HAVE SOME  
25 UNIQUE NEEDS AND REQUESTS OF THE COURT, AND PROBABLY THE

1 MAGISTRATE COURT DURING THAT INTERIM.

2 THE COURT: ALL RIGHT.

3 MS. LIE?

4 MS. LIE: FOR MS. NGUYEN, I WOULD TEND TO AGREE WITH  
5 THAT.

6 THERE IS A SIGNIFICANT VOLUME OF DISCOVERY, BOTH AUDIO AND  
7 OTHER MEDIA, IN THIS CASE. THERE ARE LANGUAGE ISSUES AS WELL  
8 RELATING TO SOME OF THAT DISCOVERY, AND SO I THINK THAT TWO TO  
9 THREE MONTHS WOULD BE APPROPRIATE.

10 THE COURT: ANYBODY DISAGREE WITH THAT?

11 MR. BELL: NO.

12 THE COURT: OKAY. ANYBODY HAVE ANY OTHER REQUESTS  
13 THAT NEED TO BE HEARD AT THIS TIME?

14 OKAY. LET'S PICK A DATE TWO TO THREE MONTHS OUT.

15 THE CLERK: AUGUST 25TH.

16 MR. CHENG: THERE'S NO OBJECTION BY THE GOVERNMENT.

17 MR. BELL: I HAVE ANOTHER MATTER THAT DAY, THAT  
18 MORNING AT 9:00.

19 I'LL -- THAT WOULD BE FINE WITH ME. I'LL HAVE SOMEBODY  
20 APPEAR FOR ME.

21 THE COURT: ALL RIGHT. WE'LL SEE YOU ALL ON  
22 AUGUST 25TH. I'LL EXCLUDE TIME ON THE BASIS IT'S NEEDED FOR  
23 EFFECTIVE DEFENSE PREPARATION AND FIND THAT THE INTERESTS OF  
24 JUSTICE OUTWEIGH THE NEED OF THE DEFENSE OR THE PUBLIC IN A  
25 TRIAL DATE EARLIER THAN WE'LL NOW BE ABLE TO SET.

1 AND MR. CHENG, WILL YOU PREPARE THE ORDER?

2 MR. CHENG: YES, YOUR HONOR.

3 THE COURT: OKAY. THANK YOU.

4 MR. MORALES: THANK YOU, YOUR HONOR.

5 MR. BELL: THANK YOU, YOUR HONOR.

6 MS. LIE: THANK YOU, YOUR HONOR.

7 (THE PROCEEDINGS WERE CONCLUDED AT 9:12 A.M.)

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3 CERTIFICATE OF REPORTER  
4  
5  
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7 I, THE UNDERSIGNED OFFICIAL COURT REPORTER OF THE UNITED  
8 STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA,  
9 280 SOUTH FIRST STREET, SAN JOSE, CALIFORNIA, DO HEREBY  
10 CERTIFY:

11 THAT THE FOREGOING TRANSCRIPT, CERTIFICATE INCLUSIVE, IS  
12 A CORRECT TRANSCRIPT FROM THE RECORD OF PROCEEDINGS IN THE  
13 ABOVE-ENTITLED MATTER.

14  
15 *Lee-Anne Shortridge*  
16

17 LEE-ANNE SHORTRIDGE, CSR, CRR  
CERTIFICATE NUMBER 9595  
18 DATED: AUGUST 31, 2016  
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